

FILED 09 AUG 28 09:54 USDC-OR

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

WILMER KEITH BRECKENRIDGE,

Plaintiff,

CV 08-734-CL

v.

ORDER

HARVEY LAPPIN, et al.,

Defendants.

PANNER, District Judge:

Magistrate Judge Mark D. Clarke filed a Report and Recommendation, and the matter is now before this court. See 28 U.S.C. § 636(b)(1)(B), Fed. R. Civ. P. 72(b). Although no objections have been timely filed, this court reviews legal principles *de novo*. See Lorin Corp. v Goto & Co., Ltd., 700 F.2d 1202, 1206 (9th Cir. 1983).

I find no error. Accordingly, I ADOPT the Report and

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Recommendation of Magistrate Judge Clarke.

CONCLUSION

Magistrate Judge Clarke's Report and Recommendation (#44) is adopted. Defendants' motion to dismiss (#20) is granted in part and denied in part as follows: the motion to dismiss is denied as moot (1) as to plaintiff's claims against defendants in their individual capacities, based on plaintiff's withdrawal of those claims; and (2) as to plaintiff's Count Four for injunctive relief against defendants in their official capacities. Defendants' motion to dismiss is granted as to plaintiff's Counts One, Two, and Three, as specified in the Report and Recommendation.

IT IS SO ORDERED.

DATED this 28 day of August, 2009.

A handwritten signature in black ink, reading "Owen M. Panner", is written over a horizontal line.

OWEN M. PANNER
U.S. DISTRICT JUDGE